THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.11471 of 2007

Date 7-6-2007

Between:
G. Sadalaxmi

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PETITIONER.
AND

The Govt. of A.P. rep. by its
Secretary, Finance (Admn. II) Department,
Secretariat Buildings, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION NO.11471 of 2007

ORDER: (per Smt. Justice T. Meena Kumari,J)

The petitioner filed the present writ petition seeking a writ of mandamus to set aside the impugned proceedings issued vide Memo No. 4791/A1/Admn./2006, dt. 24.11.2006, which were communicated to the 3rd respondent and to quash the same by setting aside the proceedings bearing No.A2/117/2007, dt. 19.1.2007 of the 4th respondent. She also sought for a consequential direction to the 1st respondent to consider the case of the petitioner for extension of one year time for acquiring the qualification of Intermediate as was done in case of Sri A.V. Rajeswara Rao in Govt. Memo No. 2019/202/A1/Admn.11/2004, dt .7.9.2004.

The brief facts of the case are that through order dated 26.12.2001 of the 4th respondent, the petitioner was appointed as Typist on compassionate grounds. By the said order, she was also directed to acquire the Intermediate qualification and Type writing Higher Grade within a period of three years from the date of appointment. The petitioner could not acquire the said qualification within time stipulated above. Thereafter, the 3rd respondent has issued a memo to the petitioner calling upon her to submit her certificates in original pertaining to Intermediate and Typewriting Higher Grade in Telugu immediately as the grace period allowed for acquiring the qualifications is going to expire on 3.1.2007. The petitioner, thereafter, submitted a petition on 30.12.2007 giving her consent for appointment in a lower post. As the petitioner did not acquire the qualifications within the stipulated time and as she was willing to take the

lower post and since there is no vacancy in the post of Attender, the 3rd respondent has surrendered her to the 4th respondent for further action. Subsequently the 4th respondent vide proceedings dated 19.1.2007, re-appointed her as Attender afresh. Aggrieved by the same, the petitioner preferred O.A. No.1091 of 2007 before the Andhra Pradesh Administrative Tribunal, Hyderabad. The Tribunal, by the order impugned in this writ petition, has dismissed the O.A. on the ground that the petitioner having given consent for taking the lower post, cannot question her re-appointment as Attender. Assailing the same, the petitioner filed the present writ petition.

Learned counsel for the petitioner has argued that since the last five years, the petitioner has been working as Typist and as she could not acquire the required educational qualifications, she was reverted to the post of Attender. He further submitted that in the case of one A.V. Rajeswara Rao who was working in the Office of A.A.O., State Audit-2, the respondents extended the time beyond five years for acquiring Type writing Higher Grade in Telugu as a special case. He further prayed that since the petitioner is similarly situated and since she is a widow and has to look after her small children, some more time be granted to the petitioner to acquire the required educational qualifications.

There is no dispute about the fact that the petitioner has already passed the Telugu Type writing higher examination. Taking into consideration the fact that the petitioner was appointed as Typist on compassionate grounds and has been working as such for the past five years and keeping in view the fact that she has already passed Typewriting Higher examination, in the interest of justice, we feel it appropriate to grant her some time to acquire the required educational qualifications. Accordingly, the petitioner is granted time till 30.6.2008 for acquiring the required educational qualifications, failing which, the respondents can revert her to the post of Attender.

At this stage, learned counsel for the petitioner submitted that the post of Typist post from which the petitioner has been reverted to Attender is still vacant and that no incumbent has been posted so far in her place.

In the circumstances, we direct the respondents to continue the petitioner in the post of Typist in the Office of District Audit Officer, State Audit, Warangal till 30.6.2008.

However, it is made clear that this order is passed in the peculiar facts and circumstances of this case and this shall not be treated as a precedent for any other case.

The writ petition is accordingly disposed of. No costs.

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T. MEENA KUMARI,J

DATE: 7th June, 2007

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G. CHANDRAIAH,J

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